

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SUNG JIN SU,  
Plaintiff,

v.

WORLD KUK SOOL ASSOCIATION  
INC, et al.,  
Defendants.

Case No. 23-cv-01570-JCS

**ORDER DENYING MOTION TO  
DISMISS WITHOUT PREJUDICE**

Re: Dkt. No. 11

Defendants brought a motion to dismiss or alternatively, to transfer this action to the Southern District of Texas. Dkt. no. 11 (“Motion”). In his opposition brief (dkt. no. 18),<sup>1</sup> Plaintiff addressed only the request to transfer the case. However, he later filed an amended complaint (“FAC”). Dkt. no. 20. The Court finds that in light of the filing of the FAC, the Motion is moot. The Court notes that while Plaintiff appears to have assumed in his opposition brief that the transfer request would not be rendered moot by the filing of his FAC, the Court concludes that amendment of the complaint may have implications for that issue as well and therefore, that it would be improper to rule on that request where the operative complaint was filed after Defendants filed their motion. Accordingly, the Motion is DENIED without prejudice to filing a renewed motion to dismiss or transfer aimed at the FAC, which is the operative complaint.

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<sup>1</sup> Plaintiff also filed a second opposition two weeks after Defendants filed their reply. Dkt. no. 22. That brief is untimely and in violation of Civil Local Rule 7-3. Further such violations of the Court’s rules may result in sanctions, including the Court striking filings that are not in compliance with the Federal Rules of Civil Procedure, Civil Local Rules or the Court’s standing order.

Defendants' motion shall be filed no later than **June 23, 2023**.

**IT IS SO ORDERED.**

Dated: May 23, 2023



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JOSEPH C. SPERO  
United States Magistrate Judge

United States District Court  
Northern District of California